



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/614,050

07/08/2003

Kang Soo Seo

1740-000010/US

7555

30593

7590

10/14/2009

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 8910

RESTON, VA 20195

EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,050	Applicant(s) SEO ET AL.	
	Examiner DAQUAN ZHAO	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/2/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not provide antecedent basis for the term "computer-readable medium" in claims 8-14.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-12 are rejected under 35 U.S.C. 101 because claims are directed to nonstatutory subject matter.

For claims 8-10, the examiner treats the claimed “computer-readable” medium as a signal, which is nonstatutory subject matter.

Claims 11-12 rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *In re Bilski et al*, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant’s method steps are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory. The examiner treats the claimed computer-readable medium as paper, and claims 11 and 12 can be interpreted as a user writes or draws the claim data structure on a piece paper (recording) or copy the data structure from one piece of paper to another piece of paper (reproduction).

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. *Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 10, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 6,181,870 B1) and Seo et al (US 2002/0,006,273 A1), hereinafter referenced as Seo and further in view of Official Notice.

For claim 8, Okada teaches teach a computer-readable medium having a data structure for managing video data recorded on the computer-readable medium (e.g. figure 6A shows the data structure of video stream recorded on the DVD, column 16, lines 22-60), comprising:

- a data area storing a plurality of data packets including source packets of at least video data of a stream including a plurality of clip files recorded on the recording medium (e.g. figure 6A, a video stream contains plurality of GOP, wherein each GOP contains plurality of video packets, column 16, lines 44-60);
- a plurality of time control information areas (e.g. Figure 6H, plurality of GOP contain plurality of video packets, where a PTS and a DTS can be assigned once to each GOP, column 23, lines 26-49), representing decoding time interval information (e.g. interval corresponds to the GOP),

each of said plurality of time control information areas recorded at a fixed time interval in a corresponding one of said plurality of data packets of the stream (e.g. figure 6H, PTS and DTS in one packet header).

- a management area storing management information for managing reproduction of the stream, the management information including an information file associated with each clip file providing a map for the associated clip file, each map mapping presentation time information to address information for the associated clip file (e.g. column 80, lines 51-67 and figure 12A, time map table).
- wherein the said fixed packet interval corresponds to at least two transport stream packets or source packets (the interval of a GOP must corresponds to at least two video packet, figure 6A shows a interval of a GOP contains at least two video “packet” in the interleaving Pack Sequence).

However, Okada fail to teach each of the data packets comprises a transport stream packet having 188 bytes or a source packet having a header and the transport stream packet; the data structure is associated with a blu-ray disc format. Seo teach each of the data packets comprises a transport stream packet having 188 bytes or a source packet having a header and the transport stream packet (e.g. figure 4 of Seo shows each transport packet has a packet size or 188 bytes). Column 16, lines 21-26 of Okada teach the packet size is 2K bytes, or 2048 bytes in the conventional DVD art, and Seo teach the packet size is 188 bytes. It would have been obvious to one ordinary

Art Unit: 2621

skill in the art at the time the invention was made to replace the 2048 bytes data packet of Okada with the 188 bytes of Seo for the same purpose of video recording and playback. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art (KSR, 550 U.S. at ___, 82 USPQ2d at 1396).

Okada and Seo fail to specify the data structure is associated with a blu-ray disc format. The examiner takes Official Notice for the data structure is associated with a blu-ray disc format since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to associate the data structure disclosed by Okada and Seo with the blu-ray disc format to simplify the data process step and reduce the time for data processing.

Claims 10-14 are rejected for the same reasons as set forth in claim 8 above.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada, Seo and Official Notice as applied to claims 1, 8, 10, 11 and 12 above, and further in view of Yoo et al (US 2002/0,150,392 A1).

See the teaching of Okada, Seo and Official Notice above.

For claim 9, Okada, Seo and Official Notice fail to specify fixed packet interval is 10 packets. Yoo et al teach a fixed packet interval is 10 packets (paragraph [0033]). It would have been obvious for one ordinary skill in the art at the time the invention was made to have use 10 packets as a fixed interval in the system disclosed by Okada, Seo

Art Unit: 2621

and Official Notice to simplify the data process step and reduce the time for data processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/

Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621